Government of Saskatchewan

Annual Report 1999-2000

Saskatchewan Justice

Saskatchewan Police Complaints Investigator

101-00950/

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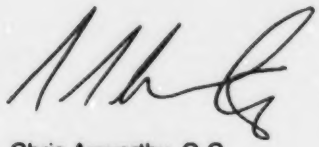
Letters of Transmittal

September 1, 2000

Her Honour
The Honourable Dr. Lynda M. Haverstock
Lieutenant Governor of Saskatchewan
Government House
4607 Dewdney Avenue
Regina, Saskatchewan

Dear Madam:

The undersigned, pursuant to section 15 of *The Police Act, 1990*, is pleased to present the Saskatchewan Police Complaints Investigator Annual Report for the period of April 1, 1999 to March 31, 2000.



Chris Axworthy, Q.C.
Minister of Justice and Attorney General

September 1, 2000

The Honourable Chris Axworthy
Minister of Justice and Attorney General
Province of Saskatchewan
Legislative Building
Regina, Saskatchewan

Dear Sir:

The undersigned, pursuant to section 15 of *The Police Act, 1990*, is pleased to present the Saskatchewan Police Complaints Investigator Annual Report for the period of April 1, 1999 to March 31, 2000.

E.R. Gritzfeld, Q.C.
Complaints Investigator

Mission Statement

The Complaints Investigator is a non-police person appointed by the government to ensure that both the public and police receive a fair and thorough investigation of a complaint against the police.

One of the main functions of the police is the protection of the general public. Police Services realize that their officers must maintain a high degree of public support to effectively carry out their duties. It is recognized that occasions arise when a citizen feels he or she has not been treated fairly by a police officer and for that reason a Citizen Complaint Procedure was set out in *The Police Act, 1990*. It is in the best interest of the public and the police to have citizens' complaints resolved in order to maintain the spirit of co-operation that now exists.

Governing Legislation

Role of the Complaints Investigator

Civilian review of public complaints against the police began in the United States in the 1960's. Since then it has spread around the world and developed so that today, Canada is recognized as a leader in the public complaints field. On January 1, 1992, Saskatchewan brought in a new procedure for the handling of complaints against municipal police with the appointment of a Complaints Investigator. Pursuant to subsection 39(1) and (2) of *The Police Act, 1990*, the duties of the Investigator are as follows:

(a) record the complaint received;

(b) establish and maintain a record of all public complaints received by the police services and their dispositions;

(c) inform, advise and assist complainants;

(d) advise and assist the chiefs and boards, the hearing officer and the commission with respect to the handling of public complaints;

(e) monitor the handling of public complaints and ensure that public complaints are handled in a manner consistent with the public interest; and

(f) inspect annually, or at those times directed by the minister, the records, operations and systems of administration for the handling of public complaints by police services.

(2) In exercising the duties of the investigator pursuant to this section, the investigator:

(a) shall receive and obtain information respecting a public complaint from the complainant;

(b) may receive and obtain information respecting a public complaint from the member or chief who is the subject of the complaint, the chief or the board, in any manner that the investigator considers appropriate;

(c) may request access to any files or other material in the possession of the police service relevant to a public complaint; and

(d) may interview and take statements from the chief, board, complainant and the member or chief who is the subject of the public complaint.

Complaints Investigator

E.R. Gritzfeld, Q.C.

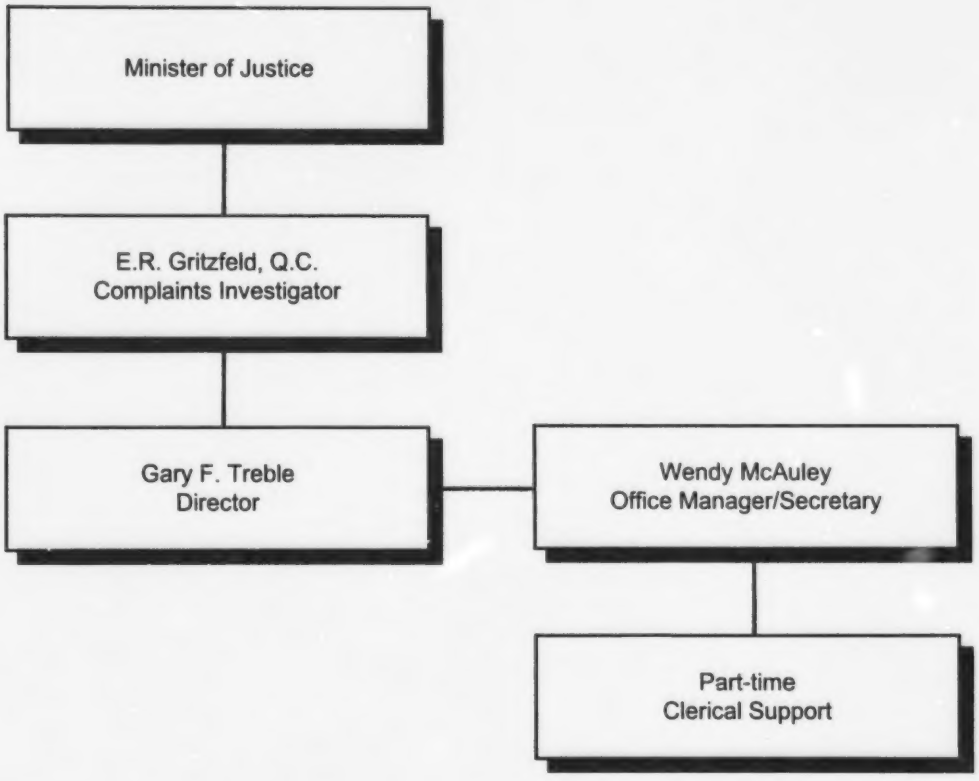
Administrative Staff/Accommodation

Gary F. Treble - Director
Wendy McAuley - Office Manager/Secretary

Saskatchewan Police Complaints Investigator
3rd Floor - 1919 Saskatchewan Drive
Regina, Saskatchewan
S4P 3V7

Telephone: (306) 787-6519
Fax: (306) 787-6528

Organizational Structure



1999-00 Activities and Results

For the period April 1, 1999 to March 31, 2000 this office processed 204 complaints against municipal police officers in the province.

Noted below is the time frame involved to receive the complaint, investigate, review the matter and advise the complainants of the action taken with respect to their concern.

Time Frame	% of Complaint Files
0 - 30 days	14%
31 - 60 days	20%
61 - 90 days	20%
91 - 120 days	10%
121 - 150 days	5%
151 - 180 days	8%
Over 181 days	13%
Pending	10%

The following pages show the breakdown of complaints for each of the 15 Municipal Police Services and two Rural Municipality Police Services in the province.

Saskatchewan Police Complaints Investigator
April 1, 1999 to March 31, 2000

	Number of Complaint Files		Number of Complaint Files
Regina	61	Dalmeny	0
Saskatoon	112	Luseland	0
Moose Jaw	6	Macklin	0
Prince Albert	19	Stoughton	0
Estevan	3	Watson	0
Weyburn	1	Yellow Grass	0
Caronport	0	R.M. of Corman Park	1
Churchbridge	1	R.M. of Vanscoy	0
Cudworth	0		
Total Number of Files	**204**		

Findings of Complaints Received
April 1, 1999 to March 31, 2000

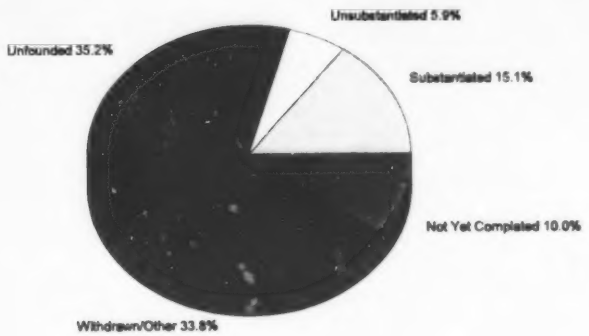
Police Service	Substantiated	Unsubstantiated	Unfounded	Withdrawn/ Other	Not Yet Completed	Total
Regina	19	5	31	12	9	76
Saskatoon	11	7	34	51	9	112
Moose Jaw	1	0	2	3	0	6
Prince Albert	0	0	9	7	3	19
Estevan	1	1	1	0	0	3
Weyburn	0	0	0	0	1	1
Caronport	0	0	0	0	0	0
Churchbridge	0	0	0	1	0	1
Cudworth	0	0	0	0	0	0
Dalmeny	0	0	0	0	0	0
Luseland	0	0	0	0	0	0
Macklin	0	0	0	0	0	0
Stoughton	0	0	0	0	0	0
Watson	0	0	0	0	0	0
Yellow Grass	0	0	0	0	0	0
R.M. Corman Park	1	0	0	0	0	1
R.M. Vanscoy	0	0	0	0	0	0
Total	**33**	**13**	**77**	**74**	**22**	**219**

*** While 204 complaints were filed - some had multiple complaints and findings**

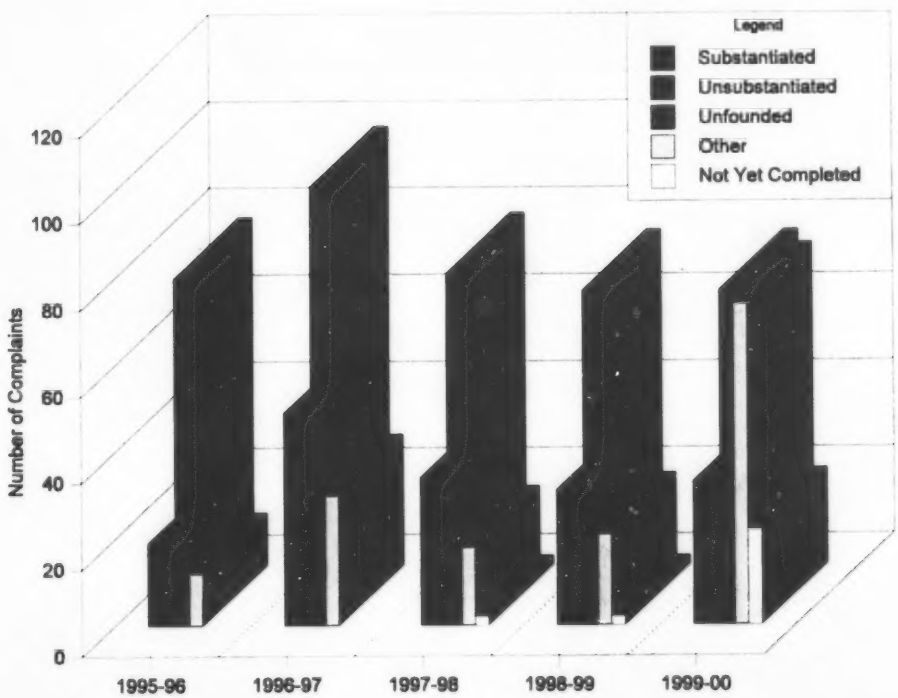
Definition of Complaint Findings

Substantiated - Supported by evidence
Unsubstantiated - Allegation cannot be proved or disproved
Unfounded - Unsupported by evidence

Complaint Findings
April 1, 1999 to March 31, 2000



Five-Year Comparative Statistics



Saskatchewan Police Complaints Investigator
Types of Complaints Received
April 1, 1999 to March 31, 2000

	TOTAL		REGINA	SASKATOON	MOOSE JAW	P. ALBERT	ESTEVAN	WEYBURN	CARONPORT	CHURCHBRIDGE	CUDWORTH	DALMENY	LUSELAND	MACKLIN	STOUGHTON	WATSON	YELLOW GRASS	CORMAN PARK	VANSCOY
COMPLAINTS RECEIVED	**219**		**76**	**112**	**6**	**19**	**3**	**1**	**0**	**1**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**1**	**0**
TYPE OF COMPLAINT																			
Discreditable Conduct	**23**		14	8	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Neglect of Duty	**38**		21	10	2	3	1	0	0	0	0	0	0	0	0	0	0	1	0
Insubordination	**0**		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Improper Disclosure of Information	**4**		2	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Corrupt Practice	**0**		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Abuse of Authority	**76**		27	39	1	7	2	0	0	0	0	0	0	0	0	0	0	0	0
Improper Use of Firearms	**0**		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Damage to Police Property	**0**		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Improper Wearing of Uniform/Improper Personal Appearance	**0**		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Misuse of Liquor/Drugs	**0**		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Criminal Conduct	**0**		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Others	**56**		3	44	2	6	0	0	0	1	0	0	0	0	0	0	0	0	0
Not Yet Completed	**22**		9	9	0	3	0	1	0	0	0	0	0	0	0	0	0	0	0

Case Summaries

The following case summaries are a cross-section of the types of complaints received.

■ Mr. T. was arrested after being found passed out behind the steering wheel of a vehicle. He was arrested for care and control while impaired. He was transported to the police station. Mr. T. alleged that one of the officers used excessive force on him.

The investigational report was reviewed by Saskatchewan Justice. They ruled that there was evidence of the complainant being slapped, pushed and otherwise manhandled for no apparent reason other than he was very intoxicated and was not responding quickly enough to the instructions of the officer. Saskatchewan Justice ruled that the officer should be charged with common assault.

The officer appeared in court and entered a plea of guilty to the charge. He received an "Absolute Discharge". In addition, the Chief of Police took internal action against the officer, pursuant to the *Municipal Police Discipline Regulations, 1991.*

■ Mr. C. was arrested for possession of stolen property and placed in a police car. He escaped from the police vehicle and ran away. Police located him hiding under another vehicle. Mr. C. alleges that police used a 2 X 4 to poke at him and force him out from under the car. He claims to have rolled around under the car attempting to avoid the 2 X 4. Mr. P. alleges he received bruises to the body as a result of the actions of the officers.

The two officers denied using a 2 X 4 and said that the complainant came out on his own after being instructed to. As the complaint was excessive force the matter was reviewed by Saskatchewan Justice. They ruled that the injuries attributed by the complainant to being struck with a 2 X 4 were consistent with having resulted from his efforts to escape police. It was unlikely he would be viewed as a credible witness and there was little to corroborate his complaint. This statement about rolling around under the vehicle was ruled unlikely and impossible.

■ Mrs. A. complained about an incident involving family members which occurred at a restaurant. Three days later police arrested her at her residence. She outlined a number of concerns related to domestic violence, spousal abuse and arbitrary arrest. It was her opinion that she was arrested without proper investigation of the circumstances.

The concerns of the complainant were investigated. As a result the Chief of Police took internal action against the officers involved in the investigation. In addition, the concerns raised by Mrs. A. were to be discussed in general terms during training courses on the police service's Domestic Violence Policy. A letter of apology was forwarded by the Chief of Police to Mrs. A.

■ A man reported that police had taken him for a ride outside the city in sub-zero temperatures. He had been dressed in light clothing and made to walk back to the city. As a result of media publicity and the recent findings of two men being found in the same general area frozen and dead, the Chief of Police requested of the Minister of Justice that another agency investigate the matters. The R.C.M.P. formed a task force and installed a 1-800 telephone number so that the public could report other possible abuses.

This office received a total of 58 complaints from the 1-800 telephone number and seven other similar complaints. The majority of the complaints related to Saskatoon Police Service and there were some against Regina and Prince Albert Police Services. Due to the numbers of investigations required, I hired three retired police persons, one being an aboriginal woman. In addition an aboriginal male was contracted to review the investigations and subsequent reports back to the complainants. Most complaints have been concluded; however, some required further investigation. I will report on this matter in more detail in my next annual report.

■ Mr. C. was arrested for assault and held in cells for two days. He complained that he was not provided medication as required during the two day incarceration. Mr. C. stated that he was unable to consult with legal counsel and not given a second opportunity to telephone a lawyer. The complainant also wanted to counter-charge the woman who had complained about him. Police denied him the opportunity.

Investigation revealed that some medication was given to Mr. C. while in cells. It was determined that some information relating to his medication had not been passed on between shifts. As a result, the Chief of Police took internal action against three officers as it related to their lack of dispensing medication. Also the police service revised their policy relating to documentation of prisoners requiring medicine. The Chief of Police forwarded a letter of apology to Mr. C.

The other two issues were unfounded. Mr. C. had been given the opportunity to telephone legal counsel and also the opportunity to telephone his sister. He requested to telephone his sister a second time. This request was denied, as the officers were busy on other matters. A review of the assault investigation found that the officers had noted in their report that he wanted to charge the woman with assault. They had examined his scalp for signs of injury to corroborate his claims. There was no evidence.

■ Mr. P. stated that he was arrested for being drunk and belligerent. He alleged that the police physically beat, slapped and threw him around in the detention area. They subsequently placed him in a restraining chair in what he described as positions that the human body could not take. As a result he received injuries to his shoulder. His wrists were also injured as a result of being handcuffed in the chair.

Police had responded to a 9-1-1 call. Mr. P. was found to be very irrational, belligerent and unruly. He was arrested for causing a disturbance, breach of undertaking and intoxication. Upon arrival at the cell block his behaviour continued to the point of non-compliance during the search and booking process. He was placed in a restraint chair for reasons of safety both for himself and for the officers. This action was authorized by an executive officer.

The matter was reviewed by Saskatchewan Justice. In their opinion the medical records and photographs taken of his alleged injuries did not corroborate his allegations of abuse. Although the complainant had received minor injuries, they were not as significant as suggested by Mr. P. There was no basis to lay criminal charges against any of the officers involved.

Allocation of Budget 1999-2000

The following figures show the approved budget for the 1999-2000 fiscal year.

	1999-00
Approved Budget	**$ 157,000**
Salaries, Honorariums, Per Diems	$ 121,623
Operating Expenses	25,336
	$ 146,959